

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WISCONSIN**

IN RE:

**JIMMY M. CHAMPAGNE and
ANGELICA CHAMPAGNE, a/k/a
MARIA ANGELICA GONZALEZ,**

Case No. 23-10727

Debtors.

TRUSTEE'S MOTION TO APPROVE SETTLEMENT WITH DEBTORS

NOW COMES Christopher M. Seelen as Trustee and attorney for the Trustee who states as follows:

1. This Chapter 7 case was filed on May 5, 2023, and Christopher M. Seelen was appointed as Trustee of the Bankruptcy Estate.
2. The Trustee has been pursuing non-exempt equity in the Debtors' homestead and vehicles/household goods.
3. Based on the Debtors' scheduled values, it appears that there is \$20,250.81 of non-exempt equity in the Debtors' Homestead (located at 7575 County Hwy C, De Forest, WI 53532) and Vehicles/Household Goods (identified in the bankruptcy schedules) as follows:

\$ 602,772.04 – Scheduled value of Homestead (\$655,187) less
8% costs of sale
(\$ 150,000.00) (less exemption)
(\$ 195,872.52) (less mortgage as of 4/15/2023)
(\$ 162,763.41) (less WI Dept. of Revenue Tax Warrants as of
7/15/2023)
(\$ 79,523.30) (Less IRS Federal Tax Lien as of 8/10/2023)
\$ 14,612.81 – Non-Exempt Equity in homestead

\$ 3,000.00 - Scheduled value of 2007 Chevy Silverado
\$ 19,463.00 – Scheduled value of 2017 Toyota Highlander
\$ 300.00 - Scheduled value of 200 Mitsubishi Truck (does not run)
\$ 1,100.00 – Scheduled value of 2006 Ski-Doo MXZ 600
\$ 1,800.00 – Scheduled value of 2008 Octane Trailer
\$ 5,000.00 – Scheduled value of 2017 Polaris 570 ATV
\$ 6,875.00 – Scheduled value of Household Goods
(\$ 32,000.00) (less exemption)
\$ 5,538.00 – Non-Exempt Equity in Vehicles/Household Goods

\$ 14,612.81 Non-Exempt Equity in Homestead
\$ 5,638.00 Non-Exempt Equity in Vehicles/Household Goods
\$ 20,250.81 Non-Exempt Equity Using Debtors' Values

4. Based thereon, the Trustee filed an Objection to the Debtors' claim of exemptions to preserve the Bankruptcy Estate's interest in the Non-Exempt Equity in the Homestead and Vehicles/Household Goods.
5. The Trustee and the Debtors have now reached a settlement in this matter.
6. In full and complete redemption of the Bankruptcy Estate's interest in the Homestead and Vehicles/Household Goods, the Debtors shall pay to the Bankruptcy Estate the sum of \$10,639.02 within 30 days after Bankruptcy Court approval of this settlement.
7. Upon the Trustee's receipt of the settlement check, and upon the settlement check clearing the account upon which it is drawn, and contingent on Bankruptcy Court approval of this settlement which the Trustee seeks in this Motion, the Trustee shall be deemed to have withdrawn the Trustee's Objection to Exemptions and the Trustee shall also be deemed to have abandoned the Bankruptcy Estate's interest in the Homestead and Vehicles/Household Goods.
8. The Trustee believes this settlement is fair, reasonable, appropriate, and in the best interests of the cost-effective and efficient administration of this Bankruptcy Estate given the costs and risks of liquidating the assets and, given the fact that the balances due on the mortgage, the WI Dept of Revenue tax warrants, and IRS tax warrants could increase prior to any sale.

9. Accordingly, the Trustee requests that the Court approve the \$10,639.02 settlement with the Debtors.

WHEREFORE, the Trustee requests an Order as follows:

- A. Granting this Motion;
- B. Approving the settlement identified herein as being fair, reasonable, appropriate, and in the best interests of the cost-effective and efficient administration of this Bankruptcy Estate; and
- C. For such other and further relief as the Court in its discretion deems just and equitable under the circumstances

Dated at Eau Claire, Wisconsin, this 8th day of August, 2023.

RUDER WARE

/s/ Christopher M. Seelen

Christopher M. Seelen
Trustee and Attorney for the Trustee
State Bar #1029724

P.O. ADDRESS:

RUDER WARE
402 Graham Avenue
P.O. Box 187
Eau Claire, WI 54702-0187
Telephone: 715.834.3425
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NOTICE OF MOTION TO APPROVE SETTLEMENT

To: U.S. Bankruptcy Court and all parties on Debtors' mailing matrix attached.

PLEASE TAKE NOTICE, that Christopher M. Seelen, Trustee and Attorney for the Trustee, has filed papers with the Court to authorize a settlement in this case, a copy of which is enclosed.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

Reason for any objection to the settlement must be filed in writing with the Court and served within twenty-one (21) days of the date of mailing of this notice. See Bankruptcy Rule 2002. If you do not want the Court to approve the settlement, or if you want the Court to consider your views on the motion, then on or before August 29, 2023, you or your attorney must file with the Court a written request for a hearing at:

United States Bankruptcy Court
120 N. Henry St., Room #340
Madison, WI 53703-2559

If you mail your request to the Court for filing, you must mail it early enough so the Court will receive it on or before the date stated above.

You must also mail a copy to:

U.S. Trustee's Office
Suite 304
780 Regent Street
Madison, WI 53715

Attorney Christopher Seelen
P. O. Box 187
Eau Claire, WI 54702

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Dated at Eau Claire, Wisconsin, this 8th day of August, 2023.

RUDER WARE

/s/ Christopher M. Seelen

Christopher M. Seelen
Trustee and Attorney for the Trustee
State Bar #1029724

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